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Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

Note verbale dated 13 November 2006 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea and has the honour to transmit to him herewith the report of France on its implementation of that resolution (see annex).

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Annex to the note verbale dated 13 November 2006 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

Report of France to the Security Council Committee established pursuant to resolution 1718 (2006) concerning the Democratic People's Republic of Korea

In article 11 of its resolution 1718 (2006) of 14 October 2006, the Security Council "calls upon all Member States to report to the Security Council within thirty days of the adoption of this resolution on the steps they have taken with a view to implementing effectively the provisions of paragraph 8 above".

In accordance with those provisions, France wishes to bring the following information to the attention of the Security Council Committee established pursuant to Security Council resolution 1718 (2006) on the measures taken in order to ensure the full implementation of the resolution.

1. Implementation of resolution 1718 (2006) at the level of the European Union

On 20 November 2006, the Council of the European Union adopted Common Position 2006/795/CFSP concerning restrictive measures against the Democratic People's Republic of Korea.

The current version of the Common Position provides for implementation of the provisions of resolution 1718 (2006) at the level of the European Union and envisages:

- an embargo on sensitive goods and related services or financing;
- prohibition of the supply of luxury goods;
- measures restricting the movement of officials of the regime on the territory of States members of the European Union;
- measures to freeze financial assets;
- cooperative action by member States in order to prevent illicit trafficking in weapons of mass destruction, their means of delivery and related materials and technology.

The Council of the European Union is drawing up a regulation governing certain provisions of the Common Position that fall within the competence of the European Community. Legally, European Community regulations are directly applicable (they are enforceable against nationals of States members of the European Union from the time of their publication in the Official Journal of the European Communities, and therefore do not require any additional measures for implementation at the national level).

2. **Embargo on battle tanks, armoured combat vehicles, large-calibre artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems as defined for the purposes of the United Nations Register of Conventional Arms, or related materiel**

The export from France of war materiel is strictly controlled on the basis, inter alia, of Decree-Law No. 18 of 18 April 1939 establishing regulations governing war materiel, arms and munitions. The Decree-Law provides for the prohibition of such exports. Export licences, which constitute an exception to that provision, may be issued only on completion of inter-ministerial review procedure.

On the basis of that procedure and of applicable national and international regulations (including Security Council resolution 1718 (2006) and the European Union Code of Conduct on Arms Exports), the Inter-Ministerial Commission for the Study of War Materiel Exports now rejects all applications for approval of negotiations for the sale of, or sale of, war materiel to the Democratic People's Republic of Korea.

The Council of the European Union will shortly adopt a regulation prohibiting all exports, from States members of the European Union, of any of the goods listed in paragraph 8 (a) (i) of Security Council resolution 1718 (2006) and such goods relating to conventional arms as may be listed by the Sanctions Committee.

3. **Embargo on items, materials, equipment, goods and technology which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes**

The export from France of nuclear, chemical or biological dual-use goods or of products listed under category II of the Missile Technology Control Regime (MTCR) is subject to a regime for the control of exports in accordance with amended Council Regulation (EC) No. 1334/2000, which is supplemented at the national level by Decree No. 2001-1192 of 13 December 2001 relating to the control of exports, imports and the transfer of dual-use goods and technology.

Re-exports of dual-use items which have the status of non-Community goods likewise require authorization. Thus, non-Community goods imported into the territory of the European Community require authorization for re-export, whether they are re-exported as is or as a component of a larger unit.

All French Government agencies responsible for export control have been instructed regarding Security Council resolution 1718 (2006). Accordingly, licences for the export of dual-use chemical or biological items, equipment, goods or technology to the Democratic People's Republic of Korea may not be issued.

The Council of the European Union is shortly to adopt a regulation to prohibit all exports from States members of the European Union of any of the goods listed in paragraph 8 (a) (ii) of Security Council resolution 1718 (2006) and such items as may be listed by the Committee.

4. **Embargo on luxury items**

France supports the issue, by the Security Council Committee established pursuant to Security Council resolution 1718 (2006), of directives establishing the

range of products subject to this embargo. Until such time as those directives are issued, the French Government agencies concerned have begun consultations with other States members of the European Union and the Commission of the European Communities with a view to the establishment of a list of items that may be subject to the embargo.

5. Prohibition of all transfers of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of the items, materials, equipment, goods and technology which could contribute to nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes

The transfer to or from the Democratic People's Republic of Korea, by French nationals or from French territory, of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of items which could contribute to the Democratic People's Republic of Korea's nuclear-related, ballistic missile-related or other weapons of mass destruction-related programmes, is strictly monitored.

In addition, in order to prevent the transfer of knowledge or expertise that could be used in connection with proliferation programmes, Ministerial Instruction No. 486 of 1 March 1993 requires all heads of institutions that are subject to a strict security regime or controlled access to seek authorization from the senior clearance officer of the relevant ministry in order to admit a visitor or trainee who is not a national of the European Union. Authorizations shall not be granted to nationals of the Democratic People's Republic of Korea.

The Council of the European Union is soon to adopt a regulation aimed at prohibiting all transfers of technical training, advice, services or assistance related to the provision, manufacture, maintenance or use of weapons or of items, materials, equipment, goods and technology which could contribute to ballistic missile-related, nuclear-related or other weapons of mass destruction-related programmes.

6. Freezing of financial assets and economic resources and prohibition of financing

The Council of the European Union will shortly adopt a regulation providing for a legal instrument which may be directly applied to the freezing of financial assets of persons and entities identified by the Committee and to preventing funds, financial assets or economic resources from being made available to such persons or entities. It will apply, with immediate effect, to persons or entities designated by the Committee or by the Security Council for that purpose.

7. Denial of entry into French territory

Since the announcement of the nuclear test carried out on 9 October 2006, France has severely restricted access of nationals of the Democratic People's Republic of Korea to its territory. Bilateral talks scheduled for October and November 2006 were cancelled. In addition, visa applications submitted on behalf of high-level officials of the State or Party are being examined on a case-by-case basis, and are granted only exceptionally. France will continue to apply these measures until the authorities of the Democratic People's Republic of Korea make a significant step towards satisfying the concerns of the international community.

8. Inspection of cargo transported to or from the Democratic People's Republic of Korea

Special control measures applicable to commercial shipments from and to the Democratic People's Republic of Korea have been implemented by the customs authorities, and selection criteria have been defined:

- The measures apply to exports to the Democratic People's Republic of Korea of war materiel (see section 2 above) and goods that could be used in programmes relating to ballistic missiles or nuclear or other weapons of mass destruction (section 3 above), and to imports of arms, munitions and war materiel;
- In addition to these measures, a monitoring mechanism has been set up to prevent the trafficking of such shipments by sea to or from the Democratic People's Republic of Korea.

In application of these measures, the customs authorities, inter alia, inspected goods on a vessel belonging to the Democratic People's Republic of Korea which docked at Mayotte on 13 November 2006.